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22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24 **SAN FRANCISCO DIVISION**

25 IN RE: UBER TECHNOLOGIES, INC.,
26 PASSENGER SEXUAL ASSAULT
27 LITIGATION

MDL No. 3084 CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S OPPOSITION TO MOTION TO
WITHDRAW AS COUNSEL OF RECORD**

28 This Document Relates to:

Judge: Honorable Charles R. Breyer

A.E. v. Uber Technologies, Inc., et al.,
No. 3:25-cv-07668

A.D. v. Uber Technologies, Inc., et al.,
No. 3:25-cv-07091

K.H. v. Uber Technologies, Inc., et al.,
No. 3:25-cv-07700

1 The Court should deny Reich & Binstock, LLP's ("Reich's") Motion to Withdraw as Counsel
 2 of Record (ECF 4249) for Plaintiffs A.E., A.D., and K.H. (hereinafter "Motion to Withdraw"), each
 3 of whom is subject to Uber's October 13, 2025 Motion for Entry of an Order to Show Cause Why
 4 Plaintiffs Who Have Submitted Non-Bona Fide Receipts Should Not Be Dismissed with Prejudice
 5 (ECF 4137, the "Third Receipts Motion"). In an August 26, 2025 Order (ECF 3759, the "Order"), this
 6 Court denied a similar motion to withdraw by counsel for Plaintiffs subject to Uber's First Receipts
 7 Motion filed on July 30, 2025. ECF 3604. The Court stated in the Order:

8 The Motions to Withdraw as Counsel in the above-captioned cases are denied
 9 without prejudice pending the resolution of Uber's Motion for Entry of an Order to
 10 Show Cause. The plaintiffs in these cases are alleged to have submitted fraudulent
 11 ride receipts; such action could potentially result in a variety of penalties, including
 12 but not limited to dismissal of plaintiffs' claims with prejudice and sanctions
 13 against plaintiffs' counsel. Given the seriousness of the potential repercussions of
 14 Uber's pending motion, it would be prejudicial both to plaintiffs as well as Uber to
 15 allow counsel to withdraw so soon before that dispute can be resolved.

16 ECF 3759; *see also* ECF 3974; ECF 4167. The Court should deny Reich's Motion to Withdraw for
 17 the same reasons. Indeed, counsel's motion is more inappropriate because it was filed on the very day
 18 Plaintiffs' responses to the Third Receipts Motion were due, attempting to abandon Plaintiffs and this
 19 Court to resolve these serious fraud issues on their own.

20 Factors which this Court considers in ruling on a motion to withdraw include: (1) the reasons
 21 why withdrawal is sought, (2) the prejudice withdrawal may cause to other litigants, (3) the harm
 22 withdrawal might cause to the administration of justice, and (4) the degree to which withdrawal will
 23 delay the resolution of the case. *Eagle Eyes Traffic Industry USA Holding LLC v. E-Go Bike LLC*, No.
 24 21-cv-07097, 2025 WL 1479160, at *2 (N.D. Cal. Feb. 19, 2025). Reich's Motion to Withdraw and
 25 the supporting declaration do not identify these four factors; make only conclusory statements relating
 26 to the second, third, and fourth factors; and cite no case law. ECF 4249 & 4249-1. Failing to timely
 27 raise these issues constitutes a forfeiture, *In re Cellular 101, Inc.*, 539 F.3d 1150, 1157 (9th Cir. 2008),
 28 and this Court could deny the motion on that basis alone.

On the merits, this Court should deny Reich's Motion to Withdraw because of the prejudice it
 would cause Plaintiffs and Uber, the likely delay, and the potential harm to the administration of

1 justice. As set forth above, all three Plaintiffs are subject to a pending motion for entry of an order to
2 show cause. Their responses were submitted on October 27, 2025, and none of the Plaintiffs disputed
3 any of the allegations of fraud. Instead, Reich filed a one-paragraph response that simply made the
4 conclusory statement that “[t]he Court should deny Defendants’ Third Show Cause Motion” and
5 permit Reich to withdraw. ECF 4248. Plaintiffs are facing case-terminating sanctions in connection
6 with this motion, making the prejudice from Reich’s abrupt last-minute withdrawal all the more acute.
7 *See Oracle Am. v. Service Key, LLC*, No. 12-cv-00790, 2013 WL 12218460, at *1 (N.D. Cal. Jan. 18,
8 2013) (denying withdrawal and noting that client could face default judgment). Moreover, Uber would
9 be severely prejudiced by Reich’s withdrawal at this juncture, which would make it more difficult to
10 get answers to the serious fraud issues before this Court and would undoubtedly delay these
11 proceedings. *See TMCO Ltd. v. Green Light Energy Sols. R&D Corp.*, No. 4:17-cv-00997, 2020 WL
12 1531226, at *1 (N.D. Cal. Feb. 3, 2020) (withdrawal should be denied when it “would work an
13 injustice or cause undue delay in the proceeding”); *Eslick v. Intuitive Surgical, Inc.*, No. 18-cv-02200-
14 LHK, 2019 WL 13201902, at *2 (N.D. Cal. Apr. 9, 2019) (denying motion to withdraw that “would
15 pose possible prejudice to Plaintiff and Defendant and may delay resolution of the case”).

16 Reich’s Motion to Withdraw should be denied for the same reasons this Court denied prior,
17 similar motions. ECF 3759; ECF 3974; and ECF 4167. Reich has not set forth an adequate basis to
18 withdraw, and the firm’s withdrawal on the very day it filed a conclusory response to Uber’s Motion
19 to Show Cause would be unduly prejudicial to both Plaintiffs and Uber.

1 Dated: October 28, 2025

Respectfully submitted,

2
3 /s/Christopher V. Cotton

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